

To: Members of the Judiciary Committee
From: Emily Bierman, Greenwich
Re: In Support of H.B. 6355
Date: 3/3/21

Dear Chairs and Distinguished Members of the Judiciary Committee,

I am writing in support of H.B. 6355, An Act Concerning Risk Protection Orders or Warrants. I support this bill because modernizing our current red flag law is a common-sense measure that can save lives.

As a mother and a resident of Connecticut, I am glad that I live in a state that was one of the first to enact a risk warrant law in 1999; this law allows law enforcement to intervene and remove firearms from individuals who they believe are at risk of harming themselves or others. H.B. 5448 is simply seeking to amend and modernize the law that already exists in Connecticut.

The most notable change to the current law is to allow family and household members to directly petition the court to issue an Extreme Risk Protection Order (“ERPO”). Under current law, only law enforcement officials can do this, and only after conducting an independent investigation. Family members of people in crisis are denied direct access to the red flag process because they are unable to directly request an order from the court. It is common sense that family and household members are the most likely to recognize dangerous warning signs. Allowing them to directly petition the courts will undoubtedly save lives, as time is often of the essence during these crises. As a parent, I am especially aware of how these laws can be used to prevent school shootings. A case study of the use of California’s extreme risk law found more than 20 cases in which ERPOs were used to effectively disarm people who threatened mass shootings, including a high school student who threatened to commit a mass shooting at a school assembly.¹

Involving law enforcement is also an issue in communities where residents may not feel comfortable approaching the police. Furthermore, in cases of suicidal behavior, families often desire privacy and are hesitant to involve law enforcement. There is a suicide death every three days in our state²; an improvement to the existing risk warrant law would empower family members to temporarily remove guns from loved ones who could be a risk to themselves.

Red flag laws exist in 18 other states plus Washington, D.C.³; in 12 of those states and D.C., family members may directly petition the court.⁴ Connecticut set an example for the nation when it passed one of the first red flag laws, but we must now modernize the bill by including family and household members as petitioners. Family members already approach law enforcement seeking a risk warrant—from 1999 to 2013, in more than 40% of the cases reports

¹ Giffords Law Center, “Extreme Risk Protection Orders,” <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>.

² Everytown for Gun Safety Support Fund, “EveryStat: Connecticut,” <http://everystat.org/#Connecticut>.

³ Everytown for Gun Safety Support Fund, “Extreme Risk Laws Save Lives,” April 17, 2020, <https://everytownresearch.org/report/extreme-risk-laws-save-lives/>.

⁴ Everytown for Gun Safety Support Fund, “Extreme Risk Laws Save Lives—Extreme Risk Laws By State,” April 17, 2020, <https://everytownresearch.org/report/appendix-b-extreme-risk-laws-save-lives-extreme-risk-laws-by-state/>.

originated from family members.⁵ It is therefore a logical extension of the law to allow them to be petitioners themselves. The law as written is already making a difference—one study showed it to be associated with a 14% reduction in the state’s firearm suicide rate.⁶ But it has the potential to do so much more, and these changes can help realize that potential.

Please support H.B. 6335. Thank you for your time and consideration.

Best,
Emily Bierman
Greenwich, Connecticut

⁵ Jeffrey W. Swanson et al., “Implementation and Effectiveness of Connecticut’s Risk-Based Gun Removal Law: Does It Prevent Suicides?” *Law and Contemporary Problems* 80 no. 2, 2017: 179-208.

⁶ Aaron J. Kivisto and Peter Lee Phalen, “Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015,” *Psychiatric Services* 69 no. 8, 2018: 855-62.